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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.203 OF 2017

IN

CRIMINAL REVISION APPLICATION(ST)NO.719 OF 2016

WITH

CRIMINAL APPLICATION NO.725 OF 2016

WITH

CRIMINAL APPLICATION NO.726 OF 2016

WITH

CRIMINAL APPLICATION NO.727 OF 2016

Dhiren Jamnadas Saraiya

... Applicant

vs.

State of Maharashtra & Anr.

... Respondents

Ms. Rekha Ingalu for the Applicant.

Ms. P. N. Dabholkar, APP, for the Respondent-State.

Ms. Snehankita Munj i/b. Mr. Jatin P. Shah for Respondent no.2.

CORAM : A.K. MENON, J.

DATE : 18th JULY, 2017

P.C.

1. By this revision application, the applicant has sought to challenge an order dated 13th February, 2016 convicting the applicant under Section 138 of the Negotiable Instruments Act and directing payment of Rs.2 lakhs along with interest and costs. The order came to be challenged as also the order passed in Criminal Appeal no.500 of 2016 dated 2nd July, 2016 dismissing the appeal by order dated 13th February, 2015. Today the parties have

settled their disputes and have tendered consent terms. Under the consent terms, payment of Rs.1 lakh has been agreed by way of full and final settlement and the offence being compoundable the parties are agreed that the offence may be compounded subject to orders of this Court. The consent terms have been signed by the applicant and the respondent no.2. The consent terms are marked "X" for identification. The applicant and respondent no.2 are present in Court. They are identified by their respective Advocates and they have been recorded and explained the contents of consent terms and both of them confirmed that the matter is now settled.

2. In the circumstances, the offence being compoundable, it is appropriate that the application be disposed of in terms of the consent terms. I therefore pass the following order:-

(i) Application no.725 of 2016 is made absolute in terms of prayer clause (a).

(ii) In view of the same, the criminal revision application is disposed of in terms of the consent terms.

(iii) By virtue of the offence as compoundable, the applicant is acquitted of offence under Section 138 of the Negotiable Instruments Act in C.C. no.3571/SS/2005 and Appeal no.500 of 2016, the applicant shall pay costs of Rs.2000/- to the Maharashtra State Legal Services Authority within one week from the date this order is uploaded. If costs are not paid the impugned order will revive without further orders of this Court.

- (iv) In view of the above, other application nos.203 of 2017, 726 of 2016 and 727 of 2016 do not survive and the same are accordingly disposed of.
- (v) Warrant issued, if any, by the lower Court shall stand cancelled.
- (vi) Stand over to 1st August, 2017 for recording compliance.

(A. K. MENON, J.)